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**DIRECTOR OFFICE
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NEW YORK, NY 10022-2585

In re Application of: KOJIMA, et al.
Application No. 09/668,995
Filed: September 25, 2000
For: DATA MANAGEMENT APPARATUS
OF SWITCHING SYSTEM

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
UNDER 37 CFR §1.181

This is a decision on the petition, filed January 27, 2005, requesting the Withdrawal of the Holding of Abandonment of the above-identified application under 37 CFR §1.181. This application was held abandoned for failure to file a timely response to the Office Action mailed on March 15, 2004. A Notice of Abandonment was mailed December 22, 2004.

The petition is **DISMISSED**

In support of the petition, Petitioner provides a statement that the above-mentioned Office Action was not received, and a statement from the person who would have handled the Office action had it been received. Petitioner further encloses the following: a print-out of its docket records for the file, as well as a print-out of the docket records for its attorney covering the appropriate three-month and six-month response date; a copy of the cover of its file jacket for the subjected application; and a statement by Applicant's undersigned attorney in support of the petition.

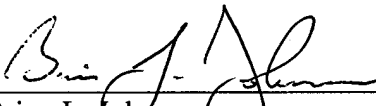
According to the MPEP §711.03(c)(I)(A), the showing required to establish non-receipt of an Office Action includes the following:

- (a) a statement from practitioner that the Office action was not received;
- (b) a statement from practitioner that the file jacket and docket records were searched;
- (c) a copy of the docket record at the address of record; and
- (d) a reference to the docket record in the practitioner's statement.

The petition fails to fully comply with requirement (d) set forth above. The evidence submitted has not overcome the presumption of receipt. The copy of the docket record where the non-received Office communication would have been entered had it been received and docketed, must be attached to and referenced in practitioner's statement. In accordance with requirement (d) above, the docket report has to be from the address of record at the time the action was mailed and show all actions due by the entire firm at and around the due date for response, not counting any possible extensions of time. Furthermore, the attorney must also have been at the address of record at the time the action was mailed or have filed a timely Change of Correspondence address. There is no indication from Petitioner's enclosed printouts that the docket report is from the address of record at the time the action was mailed (Helfgott & Karas PC, Empire State Building, 60th Floor, New York, NY 10118). The practitioner is therefore respectfully requested to clarify which address the docket report is from.

Accordingly, the petition is **DISMISSED**.

If petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at (571) 272-3595.


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4/21/05